

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD L. AHEARN, Regional Director of the
Nineteenth Region of the National Labor
Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

INTERNATIONAL LONGSHORE and WAREHOUSE
UNION, LOCAL 21

Respondent

and

DAN COFFMAN, An Individual

BRYAN JACOBS, An Individual

MICHAEL KELLY MULLER, An Individual

Civil No. 3:11-CV-05684

FINDINGS
REGARDING COMPENSATORY
DAMAGES, FEES, AND A FINE
SCHEDULE (Amended)

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(PROPOSED) FINDINGS REGARDING COMPENSATORY
DAMAGES, FEES, AND A FINE SCHEDULE

Petitioner submits the following as Proposed Findings Regarding Compensatory Damages and Fees incurred with respect to the September 21, 2011 conduct engaged in by Respondent ILWU Local 21, Dan Coffman, Bryan Jacobs, Michael Kelly Muller ("Respondents"), and their agents and supporters in violation of the Court's September 8, 2011, Preliminary Injunction. These damages are submitted as requested by the Court with respect to its October 14, 2011 Order Adjudging Respondents in Civil Contempt. Petitioner submits the Proposed Findings Regarding Compensatory Damages and Fees on behalf of the National Labor Relations Board, EGT, Inc., and law enforcement personnel who were called upon to deal with Respondents' contumacious conduct.

1. The attached Exhibit 1 is the Statement of the National Labor Relations Board ("Board") Regarding Attorneys' Fees and Costs, with attachments, setting forth the compensatory damages requested by the Board. The total amount requested by the Board is \$ 30,067.96.^[1]
2. The attached Exhibit 2 is the summary of EGT damages, with supporting attachments, setting forth the compensatory damages requested by EGT, Inc. The total amount requested by EGT, Inc., is \$ 13,807.19

^[1] The Board may incur additional costs in the form of attorney fees' during the period between October 21, when the damage estimates are due to the Court, and the October 28 due date for Respondents. Counsel for Respondent intimated during oral argument that the actual October 14, 2011 hearing may have been unnecessary, resulting in increased costs as Respondents offered to stipulate to the factual events of sitting on the tracks. However, the offer to stipulate was not as straightforward as Respondents portrayed. Counsel proposed only a stipulation limited to Dan Coffman, while excluding the other two additional individuals named as Respondents. See Exhibit 1H attached. to this document. This offer was not acceptable to Petitioner's counsel and no agreement could be reached, resulting in the instant hearing.

1 3. The attached Exhibits 3(a) through 3(d) are the costs of the various law enforcement
2 agencies required to deal with Respondent's contumacious conduct and restore the
3 peace.

4 Exhibit 3(a), with attachments, sets forth the compensatory damages sought by the
5 Cowlitz County Sheriff's Office. The total amount requested by the Cowlitz County
6 Sheriff's Office is \$ 7,917.57.

7 Exhibit 3(b) sets forth the compensatory damages sought by the Thurston County
8 Sheriff's Office. The total amount requested by the Thurston County Sheriff's Office
9 is \$ 9,973.74.

10 Exhibit 3(c), with attachments, sets forth the compensatory damages sought by the
11 Lewis County Sheriff's Office. The total amount requested by the Lewis County
12 Sheriff's Office is \$ 2,512.48.

13 Exhibit 3(d) sets forth the compensatory damages sought by the Longview Police
14 Department. The total amount requested by the Longview Police Department is
15 \$ 7,681.44.

16 4. The total compensatory damages sought are: \$ 71,960.38

17 5. Damages are awarded in the amount of \$64,764.38. (RBL)

18 REITERATED FINE SCHEDULE

19 As set forth in the Court's Amended Order dated September 30, 2011, Petitioner
20 requests that the Court reiterate in its fine schedule imposed and already in place:

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